

REMARKS

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the amended or cancelled Claims (or similar Claims) in the future.

In the Office Action mailed 5/6/08, the Examiner restricted Claims 1-6 into the following groups: Group I (Claims 1-3 and 5-6) and Group II (Claim 4). Applicants herein elect, without traverse, to prosecute the claims of Group I (Claims 1-3 and 5-6). Applicants herein cancel Claim 4 in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future.

The Examiner further required a species election of a single compound. The Applicants hereby elect N-[(7S-3-ethoxy-1, 2-dimethoxy-10-methylsulfanyl-9-oxo-5,6,7,9-tetrahydro-benzo[a]heptalen-7-yl)-2-fluoro-3-nitrooxymethyl-benzamide for initial examination. Claims 1-3 and 5-6 read on the elected species. Support for the elected species can be found, for example, in the specification and in Claim 3, 8). The Applicants remind the examination that, upon allowance of a generic claim, Applicants are entitled to consideration of claims to additional species written in dependent form or otherwise including all of the limitation of an allowed generic claim (MPEP 809.02(a)).

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

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